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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,989	07/10/2003	Eun Gi Son	2729-161	1229
22429	7590	04/30/2004	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 /310 ALEXANDRIA, VA 22314				DUNWOODY, AARON M
ART UNIT		PAPER NUMBER		
		3679		

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/615,989	SON, EUN GI
	Examiner Aaron M Dunwoody	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 July 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 5-7 is/are rejected.  
 7) Claim(s) 4 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/14/2003</u>	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The information disclosure statement (IDS) filed 11/14/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the compressor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory

material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5683299, Kishibuchi et al.

In regards to claim 1, Kishibuchi et al discloses a power transmission apparatus comprising:

a pulley connected (1) to a driving source and receiving a rotational force; at least one damper (7) installed on the pulley; and a cover plate including a hub (9) connecting the pulley and a compressor (2), a fixed plate (11) coupled to an upper surface of the hub, and a plurality of deformation members (13) independently installed on an outer circumferential surface of the fixed plate,

wherein, when an overload is applied to the compressor, the deformation members are deformed and a coupling relationship with the damper is released so that power transmission from the driving source is cut off.

Note, a comparison of the recited process with the prior art processes does NOT serve to resolve the issue concerning patentability of the product. *In re Fessman*, 489 F2d 742, 180 U.S.P.Q. 324 (CCPA 1974). Whether a product is patentable depends on

whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. In re Klug, 333 F2d 905, 142 U.S.P.Q. 161 (CCPA 1964). In an ex parte case, product-by-process claims are not construed as being limited to the product formed by the specific process recited. In re Hirao et al., 535 F2d 67, 190 U.S.P.Q. 15, see footnote 3 (CCPA 1976). Therefore, the plurality of deformation members being independently installed on an outer circumferential surface of the fixed plate is given little patentable weight.

In regards to claim 2, Kishibuchi et al discloses the deformation member of the cover plate including at least one main slit to deform a front end of the deformation member and at least one auxiliary slit to deform a side surface of the deformation member.

In regards to claim 3, Kishibuchi et al discloses the deformation member of the cover plate having a front surface and both side surfaces in a direction in which the pulley rotates which are closed and a rear surface and a lower surface which are open, so that the deformation member is coupled to the damper to enclose the damper.

In regards to claim 5, Kishibuchi et al discloses the damper comprising a support portion (6) coupled to the pulley and an elastic portion enclosing an outer surface of the support portion.

In regards to claim 7, Kishibuchi et al discloses the damper comprising a fixed portion integrally formed with the pulley and at least one protrusion being formed of an elastic resin material and molded integrally with the fixed portion.

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0861993 A2, Kishibuchi et al.

In regards to claim 1, Kishibuchi et al discloses a power transmission apparatus comprising:

a pulley connected (1) to a driving source and receiving a rotational force; at least one damper (15) installed on the pulley; and a cover plate including a hub (7) connecting the pulley and a compressor (not shown but implied), a fixed plate (10) coupled to an upper surface of the hub, and a plurality of deformation members (12) independently installed on an outer circumferential surface of the fixed plate,

wherein, when an overload is applied to the compressor, the deformation members are deformed and a coupling relationship with the damper is released so that power transmission from the driving source is cut off.

Note, a comparison of the recited process with the prior art processes does NOT serve to resolve the issue concerning patentability of the product. In re Fessman, 489 F2d 742, 180 U.S.P.Q. 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. In re Klug, 333 F2d 905, 142 U.S.P.Q. 161 (CCPA 1964). In an ex parte case, product-by-process claims are not construed as being limited to the product formed by the specific process recited. In re Hirao et al., 535 F2d 67, 190 U.S.P.Q. 15, see footnote 3 (CCPA 1976). Therefore, the plurality of

deformation members being independently installed on an outer circumferential surface of the fixed plate is given little patentable weight.

In regards to claim 2, Kishibuchi et al discloses the deformation member of the cover plate including at least one main slit to deform an front end of the deformation member and at least one auxiliary slit to deform a side surface of the deformation member.

In regards to claim 3, Kishibuchi et al discloses the deformation member of the cover plate having a front surface and both side surfaces in a direction in which the pulley rotates which are closed and a rear surface and a lower surface which are open, so that the deformation member is coupled to the damper to enclose the damper.

In regards to claim 6, Kishibuchi et al discloses the damper comprising at least one protrusion being formed of an elastic resin member and a fixed portion integrally formed with the pulley and having at least one coupling groove in which the protrusion is inserted and fixed.

In regards to claim 7, Kishibuchi et al discloses the damper comprising a fixed portion integrally formed with the pulley and at least one protrusion being formed of an elastic resin material and molded integrally with the fixed portion.

### ***Allowable Subject Matter***

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan P Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Aaron Dunwoody**  
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